

FAX COVER SHEET

BRENDA CLARK
Clerk & Master
Franklin County Chancery Court
360 Wilton Circle, Room 196
Winchester, TN 37398

Phone: (931) 967-2843
Fax: (931) 968-2425

SEND TO	FROM <i>Chancery Court</i>
ATTENTION <i>Charles</i>	DATE <i>12-8-10</i>
OFFICE LOCATION	OFFICE LOCATION
FAX NUMBER <i>404-572-2193</i>	PHONE NUMBER <i>931-967-2843</i>

- ☐ Urgent
- ☐ Reply ASAP
- ☐ Please Comment
- ☐ Please Review
- ☒ For your Information

Total pages, including cover: 17

COMMENTS

RE: *Pearl's Cafe vs. Lloyd's Underwriters*

Tricket No. *19192*

Total file you requested.

IN THE CHANCERY COURT OF FRANKLIN COUNTY, TENNESSEE

PEARL'S CAFE, LLC d/b/a
PEARL'S CAFE,

Plaintiff,

v.

UNDERWRITERS AT LLOYD'S,
LONDON

Defendant.

Docket No. 19192

JURY DEMAND

FILED IN OFFICE
Oct 22, 2010
TIME 12:59 PM
BRENDA CLARK
CLERK & MASTER
FRANKLIN COUNTY TN

COMPLAINT

Plaintiff sues the Defendant and for its cause of action alleges the following facts to-wit:

1. The Plaintiff was insured by a policy of insurance issued by the Defendant numbered TN1426 with an effective date of January 27, 2008, and expiration date of January 27, 2009. This business is located in Franklin County, Tennessee.

2. On or about the 30th day of October, 2008, a fire burned two of the four buildings insured which make up the business of the Plaintiff. Due to the fact that the two buildings burned, the Plaintiff was not able to reopen the business and suffered a severe loss of income and other losses which are covered under the business interruption policy, TN1426.

3. The Defendant has paid some amounts of the building damage and personal property damage but has refused to pay the entire business income and extra expense coverage loss. The policy provision calls for \$300,000.00 business interruption and extra expense coverage. The Defendant has paid \$20,460.63 on that loss but has failed and refused to pay the additional amounts of this coverage still owing in the amount of \$279,539.37.

4. Failure to pay this coverage was in bad faith entitling the Plaintiff to penalties because of the extra expense caused by the Defendant's bad faith in accordance with T.C.A. § 56-7-105.

5. Failure to pay this coverage is a breach of the insurance contract as all claims are to be paid within seventy-two hours of the date of loss and almost two years has elapsed.

WHEREFORE, Plaintiff sues the Defendant for the sum of \$279,539.37, plus interest, plus 25% penalties provided by T.C.A. § 56-7-105, plus attorneys fee and costs, and prays that they recover this and any other further and general relief as the equity and justice of this cause may require and demand a jury to try the issues when joined.

BERKE, BERKE & BERKE

By. 

Marvin Berke BPR#11740

Valerie W. Epstein BPR #013785

Attorneys for Plaintiff

420 Frazier Avenue

Post Office Box 4747

Chattanooga, TN 37405

423/266-5171 - Telephone

423/265-5307 - Facsimile

IN THE CHANCERY COURT OF FRANKLIN COUNTY, TENNESSEE

PEARL'S CAFE, LLC d/b/a
PEARL'S CAFE,

Plaintiff,

v.

UNDERWRITERS AT LLOYD'S,
LONDON

Defendant.

Docket No. 19192

JURY DEMAND

FILED IN OFFICE
Oct 29 2010
TIME 12:59 PM
BRENDA CLARK
CLERK & MASTER
FRANKLIN COUNTY TN

COST BOND

I hereby acknowledge and bind myself for the prosecution of this action and payment of all non-discretionary costs in this Court, which may at any time be adjudged against the plaintiff in the event the plaintiff shall not pay them.

Witness My Hand this 29 day of October, 2010.

BERKE, BERKE & BERKE

By: Valerie W. Epstein

Marvin Berke BPR#1740

Valerie W. Epstein BPR #013785

Attorneys for Plaintiff

420 Frazier Avenue

Post Office Box 4747

Chattanooga, TN 37405

423/266-5171 - Telephone

423/265-5307 - Facsimile

(Surety on a bond for costs shall not be released from the obligation as surety until there is provision for a substitute surety.)

FRANKLIN COUNTY CHANCERY COURT
360 WILTON CIRCLE, ROOM 196
WINCHESTER, TN 37398

PHONE (615) 967-2345
CHAMBERLAIN JEFFERY E. SCHWARTZ

FAX (615) 968-2425
BRENDA CLARK, CLERK & MASTER

October 29, 2010

State of Tennessee
Department of Commerce and Insurance
500 James Robertson Parkway
Nashville, TN 37243-1131

RE: Pearl's Cadillac d/b/a Pearl's Cafe
Vs. Underwriters at Lloyd's London
NO. 19192 In the Chancery Court of Franklin County, Tennessee

Dear Sir:

Enclosed you will find the following in regard to the above-styled case:

1. Summons to be served on the defendant, Underwriters at Lloyd's London
whose address is _____

2. Certified copy of the Summons and a copy of the Complaint to be served on the Defendant.
3. Check of Susan Whitford
in the amount of \$ 1500 for your fee.

Sincerely,

Brenda Clark
Brenda Clark (28)
Clerk & Master

Enclosure

STATE OF TENNESSEE
Department of Commerce and Insurance
500 James Robertson Parkway
Nashville, TN 37243-1131
PH - 615.532.5260, FX - 615.532.2763
brenda.moade@dn.gov

November 10, 2010

Lloyd's, Underwriters At London
750 7Th Ave., Mendes & Mount, % G. Lock
New York, NY 10019
NAIC # 180019

Certified Mail
Return Receipt Requested
7009 3410 0002 1723 8979
Cashier # 6200

Re: Pearl's Case V. Lloyd's, Underwriters At London

Docket # 10192

To Whom It May Concern:

Pursuant to Tennessee Code Annotated § 56-2-504 or § 56-2-506, the Department of Commerce and Insurance was served November 8, 2010, on your behalf in connection with the above-styled proceeding. Documentation relating to the subject is herein enclosed.

Brenda C. Moade
Designated Agent
Service of Process

Rec'd into Office

November 19, 2010
Brenda Clark
Clerk and Master

Enclosures

cc: Chancery Court Clerk
Franklin County
360 Wilton Circle, Room 196
Winchester, Tn 37398

State of Tennessee
IN THE CHANCERY COURT FOR FRANKLIN COUNTY

PEARL'S CAFE, LLC d/b/a
PEARL'S CAFE,

Plaintiff,

UNDERWRITERS AT LLOYD'S,
LONDON

Defendant.

Docket No. 19193

JURY DEMAND

SUMMONS

SERVE VIA TENNESSEE COMMISSIONER OF INSURANCE

TO DEFENDANT:
WHOSE ADDRESS IS:

UNDERWRITERS AT LLOYD'S LONDON
c/o Tennessee Department of Commerce and Insurance
Attn: Service of Process, 500 James Robertson Parkway
Nashville, Tennessee 37243-1131

You are summoned and required to Answer and make defense to a Complaint herewith served upon you. Your Answer to the Complaint must be filed and served upon plaintiff's attorney on or before thirty (30) days after service of this Summons and Complaint upon you, exclusive of the day of service. Your Answer must be filed in the OFFICE OF THE FRANKLIN COUNTY CLERK AND MASTER, 360 Wilton Circle, Room 196, Winchester, Tennessee 37398. You are also required to serve a copy of your Answer upon the plaintiff's attorney, or the *pro se* plaintiff as set out below. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

ISSUED & TESTED this 29th day of October, 2010.

CLERK & MASTER

By:

Larry Bailey
DEPUTY CLERK

Marvin Berke 1760
Valerie W. Bernstein 613785
Plaintiff's Attorney
Berke Berke & Berke
420 Prairie Avenue
P.O. Box 4747
Chattanooga, Tennessee 37405
423-266-5171 Telephone
423-245-5367 Facsimile

BPR

NOTICE TO DEFENDANT(S)

Tennessee Code Annotated § 26-2-103 provides a \$4,000.00 personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk. The list may be filed at any time and may be changed by you thereafter as necessary; however unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you, would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

No. 1544 P. 7

Dec. 8. 2010 1:27PM Franklin Chy IN Chancery Court

IN THE CHANCERY COURT
FOR FRANKLIN COUNTY, TENNESSEE

PEARL'S CAFE, LLC d/b/a
PEARL'S CAFE,

Plaintiff,

v.

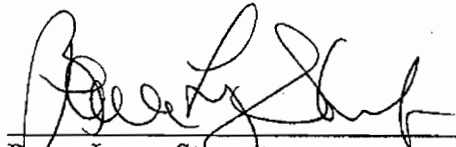
UNDERWRITERS AT LLOYD'S,
LONDON,
Defendants.

DOCKET NO.: 19192

NOTICE OF FILING NOTICE OF REMOVAL

COME NOW Defendants, those Certain Underwriters at Lloyd's, London, subscribing to Policy No. TN1426 (hereinafter "Defendants"), and hereby notifies this Court, and all other interested parties, that Defendants have filed a Notice of Removal in the United States District Court for the Eastern District of Tennessee, removing this action to said Court under 28 U.S.C. §§ 1332, 1441, and 1446. *(A true and correct copy of Defendants' Notice of Removal is attached hereto and incorporated herein.)*

This 8th day of December 2010.



Renee Levay Stewart
Tennessee Bar No. 018768
**NORTH, PURSELL, RAMOS & JAMESON,
PLC**
414 Union Street
Bank of America Plaza, Suite 1850
Nashville, TN 37219
(615) 255-2555
(615) 255-0032 (fax)
rlstewart@nprjlaw.com

Nanette L. Wesley
(*Pro Hac Vice* being filed)
Tennessee Bar No. 19197

COZEN O'CONNOR

Suite 2200, SunTrust Plaza

303 Peachtree Street, NE

Atlanta, Georgia 30308-3264

Telephone: 404-572-2000

Email: nwesley@cozen.com

Attorneys for Certain Underwriters at Lloyd's,
London

**IN THE CHANCERY COURT
FOR FRANKLIN COUNTY, TENNESSEE**

PEARL'S CAFE, LLC d/b/a
PEARL'S CAFE,

Plaintiff,

v.

UNDERWRITERS AT LLOYD'S,
LONDON,

Defendants.


DOCKET NO.: 19192

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for all parties in this action with a copy of the foregoing **NOTICE OF FILING NOTICE OF REMOVAL** by U.S. Mail Postage prepaid upon the following:

Marvin Berke, Esq.
Valerie W. Epstein, Esq.
Berke, Berke & Berke
420 Frazier Avenue
P.O. Box 4747
Chattanooga, TN 37405

This 8th day of December 2010.



Renee Levay Stewart
Tennessee Bar No. 018768
**NORTH, PURSELL, RAMOS & JAMESON,
PLC**
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